



Dorit Reiss
Professor of Law

University of California Hastings College of the Law | 200 McAllister Street | San Francisco, CA
94102 phone 415.565.4844 | fax 415.565.4865 | reissd@uchastings.edu | www.uchastings.edu

Dear Committee Members:

Re SB568, the Bill to Eliminate the non-Medical Exemption to the Immunization Requirements

I am a California law professor who writes about vaccines law and policy. The COVID-19 pandemic reminded us how harmful a disease without an available vaccine can be to lives, livelihoods, and freedom. Luckily, we have vaccines available to prevent a variety of diseases that have, in the past, harmed and killed children. Routine childhood vaccines [prevent tens of thousands of deaths and millions of hospitalizations](#) each year in the United States alone.

For decades, like other states, Connecticut has required that children attending schools be vaccinated against certain diseases. And like many other states, Connecticut has had an easy to obtain religious exemption – and its exemptions have increased in past years.

Now, the Connecticut legislature is again considering removing the non-medical exemption, to make its children safer. Extensive [evidence](#) shows that states with easier to get exemptions have higher exemptions rates – and more outbreaks. Tightening exemptions can make schools safer. Last year, a bill to remove the non-medical exemption was approved in committee, after hearing extensive testimony, listening to the opposition (both local and nationally mobilized opposition from the anti-vaccine movement). The only reason Connecticut did not remove its religious exemption last year is that the COVID-19 pandemic made legislative hearings harder. This is not a new issue for the legislature.

In 2015, California removed its non-medical exemption. The most recent [scientific study](#) of the effects showed that the result was a substantial rise in vaccine rates, especially in high risk counties – counties with low exemption rates. Although medical exemptions have risen (and in 2019 California acted to make it harder to obtain fake medical exemptions), the reduction in non-medical exemption was larger. That is the only documented, evidence-supported effect directly related to the change. Dr. Saad Omer, who is a Connecticut resident and studies exemptions empirically, can further speak to the effect of strong policies on vaccine rates.

As a reminder, there is an extensive jurisprudence upholding the constitutionality of removing vaccine exemptions. Courts consistently find immunization bills without a non-medical exemption constitutional. The reasoning for that is that even if courts would acknowledge an absolute parental right to refuse to protect a child from disease (and there is no such absolute right), parents still do not have a right to make school less safe for other people's children. School is a shared environment. A high percentage of unvaccinated children increases the risk of an outbreak at school, putting at risk not just children whose parents voluntarily chose not to protect, but children who cannot, medically, be vaccinated and the small percent of children who suffer vaccine failure. In other words, when parents send unvaccinated children to school, they put other children at risk. There is no unlimited constitutional right to make that choice for other families, to force other families to bear the risk of your choice.

Name of addressee

Date

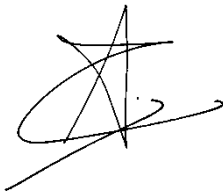
Page 2 of 2

Finally, and as a reminder, the discussion in this bill is on whether to remove the non-medical exemption for currently recommended childhood vaccines. Any change to the vaccine schedule would itself have to go through legislative procedures. To give one example, COVID-19 vaccines have not yet been authorized for children – clinical trials are just starting – and cannot be required for school without further legislative change.

As a reminder, one way anti-vaccine activists are mobilizing opposition to this bill is by misleading parents into thinking it involves requiring COVID-19 vaccines. This is unfair to the parents misled this way, and not a good basis to oppose a bill that has nothing to do with those vaccines.

The Connecticut legislature is picking up where it left when the COVID-19 pandemic interfered, and acting to make Connecticut's children (including, and maybe especially, its unvaccinated children, who depend on herd immunity) safer. COVID-19 taught us why holding diseases at bay is important. Connecticut should act to do it.

Sincerely,

A handwritten signature in black ink, appearing to be 'Dorit Rubinstein Reiss', written over a faint, stylized star or geometric shape.

Dorit Rubinstein Reiss, LLB, Ph.D.
Professor of Law
James Edgar Hervey Chair in Litigation